GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Sri E.Mallikarjuna, EE, S.P.Division No.6, Nellore District – Disciplinary proceedings under rule – 20 r/w rule - 24 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 – Articles of charge – Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.RT.No. 794 Dated: 13-11-2024
Read:

G.O.Ms.No.241, Rev. (Vig.I) Dept., dt: 30.10.2024

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ORDER:

In pursuance to the G.O read above, it is proposed to hold an enquiry against Sri E.Mallikarjuna, EE, S.P.Division No.6, Nellore District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of imputations of misconduct / misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge proposed to be sustained are also enclosed (Annexures-III)

3. Sri E.Mallikarjuna,EE, S.P.Division No.6, Nellore District is directed to submit, within 10 days from the date of receipt of this order, a written statement of his defence.

4. Sri E.Mallikarjuna,EE, S.P.Division No.6, Nellore District is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri E.Mallikarjuna,EE, S.P.Division No.6, Nellore District further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri E.Mallikarjuna,EE, S.P.Division No.6, Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri E.Mallikarjuna,EE, S.P.Division No.6, Nellore District is aware of such a representation and that it has been made at his instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

To
Sri E.Mallikarjuna,EE, S.P.Division No.6, Nellore District. (Through the Chief Commissioner of Land Administration, A.P., Mangalagiri for service and to return the served copy with dated acknowledgement immediately (By RPAD))
The Chief Commissioner of Land Administration, A.P., Mangalagiri
Copy to:
The District Collector, YSR District.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI E. MALLIKARJUNA, EE, S.P.DIVISION NO.6, NELLARE DISTRICT.

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Sri E. Mallikarjuna has committed dereliction of duties amounting to misconduct in violation of Rule (3) of APCS (Conduct) Rules 1964, as mentioned in the following articles of charges.

Articles of Charge 1: That the said Sri E. Mallikarjuna, while functioning as EE, K.C. Canal Division. From 28.07.2016, failed to initiate action to evict encroachments on K.C. Canal land in Sy. No. 508, 509, 510, 511, 514 and 515. Thus, he has committed dereliction of duties amounting to misconduct.

R.P. SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THEARTICLES OF CHARGES FRAMED AGAINST SRI E. MALLIKARJUNA, EE, S.P.DIVISION NO.6, NELLARE DISTRICT.

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(1) The V&E Department officials has conducted enquiry on the following allegations

(a) The real estate mafia in Kadapa Town has illegally encroached more than 5.00 acres of KalvaPoramboke land belongs to K.C. Canal in Sy. Nos. 508, 509, 510, 511, 512, 513, 514 and 515 of Gudur village and laid cement road by destroying K.C. Canal siphon near Rama Rajupalli village.

(b) The KMC built cement roads, drains, construction of ELSR and providing water distribution pipe lines in VijayaDurga colony without land conversion and layout approval by incurring crores of Rupees to the streets even though there are no houses.

(c) The officials of Irrigation department, MunicialCorporation, Kadapa and Revenue Department Kadapa are kept quiet without eviction of encroachments and encouraging the real estate mafia.

(2) V&E after verification of the above allegations has made the following observations

(i) The pathacuddapah tank supply channel passing through survey numbers 505, 508, 507, 508, 513, 516, 517, 518 and 519 of Gudur revenue village, Gudur Tank supply channel is passing through Sy. Nos. 509 and 510 and the field channel are spreading over Sy. Nos. 511, 514 and 515 to feed the ayacut

The land in Sy. Nos. 508, 509, 510, 511, 514 and 515 was encroached by the layout developers and Kadapa Municipal Corporation. The developer has laid roads for developing layout, demarcated the plots and sold to the individuals along with adjacent K.C. Canal lands. The KMC constructed ELSRs including water distribution pipe lines in Sy. Nos. 509 and 510.

(ii) The layout of VijayaDurga Colony was formed in the year 2004 to 2005 adjacent to the K.C. Canal. The canal existing in Sy. No's. 508, 509, 510, 511, 512, 514 and 515 was encroached and a masonary drain of 0.75m width was constructed by the developer in his own land. The developers contention is that masonary canal wes constructed in lieu of Gudur Tank Supply channel and it will convey the required water to feed the contemplated ayacut.

(ii) During 6/2004 K.C canal special sub-division, Mydukur authorities reported MR.O. Kadapa that some miscreants have disturbed the canal banks for a length of about 100 m in the Sy. No's 509 and 510 by diverting the supply channel at their convenient direction and requested for demarcation of PCTS channel and GTS channel land belongs to K.C. Canal sub division of I&CAD Department and also requested for eviction of the occupied land

(iv) The M.R.O. Kadapa lodged a compliant on illegal encroachment of Government land in Sy. No's. 509 and 510 belongs to K.C. Canal of I&CAD Department in Taluk Police Station

and case was registered vide FIR No. 14/2005 under section 447, 427, 430 and 431 of Indian Penal Code read with 34 IPC.

The police authorities were kept silent for a period of 14 months for a reason that the MRO has not demarcated the boundaries of encroached land and given scope to the encroaches to complete the construction of pucca houses and fulfilment of their Intention. Later crime No. 14/2005 was referred as case of civil nature water vested interests throwing blame on the MROs and not served the proceedings to the Tasildar, Kadapa and not filed in the concerned court also.

(v) Later during the enquiry, Tahsildar furnished the details of encroachments as below.

S No.	Type of encroachment	Names of encroachers	Survey number	Total area in Acres	Area encroached in Acres
1	Water tank 500 KL	KMC, Kadapa	509	1.19	05458
	Water tank 40 KL				0.0413
				Sub Total	0.5871
2	Structures/ Buildings	Individuals as per annexure	508	2.27	0.15248
			509	1.19	0.32311
			510	1.26	0.24343
			511	0.68	0.2155
			514	0.63	0.37025
			515	0.09	0.0154
				Sub Total	1.32017
3	For laying of Roads	Encroached by Developer	509	1.19	0.23697
			510	1.26	0.20258
			511	0.68	0.33845
			514	0.63	0.11339
			515	0.09	0.0516
				Sub Total	0.94299
4	Vacant plots sold to individuals by the developer	Individuals as per annexure	508	2.27	0.1368
			509	1.19	0.04282
			510	1.26	Nil
			511	0.68	0.12605
			514	0.63	0.14636
			515	0.09	0.023
				Sub Total	0.47503
				Grand Total	3.32529

The area of land encroached by the Layout developer is 2.73819 Acres (3.32529 0.5871 l.e., under possession of KMc). The present market value of the land in 8th ward is Rs. 5,800/- per square yard and the value of land encroached is amounting to Rs. 7,68,66,470/- (2.73819 x 4840 x 5800).

The Town planning officials of the KMC, Kadapa have approved building plans without verifying the boundaries of the plot, whether it is private land or Governmentland. Further the Town planning officials approved the building plans against the building rules, i.e., No structures shall be constructed with in a distance of 9m from the boundaries of Canal, Vagu etc., and failed to initiate any action on unauthorized layout.

(vi) Against to the A.P. Regulation of Unapproved and illegal layout Rules 2007, the KMC, Kadapa officials approved 164 building plans in VijayaDurga Colony during 2007 to 2016. Among this 38 plans approved are found encroached in to the K.C. Canal Poramboke land in Sy. Nos. 508, 509, 510, 511, 512, 514 and 515 of Gudur revenue

village, plans approved without ascertaining the ownership ship of the land.

The KMC has constructed ELSR's of 500 KL capacity with an estimate amount of Rs.42 11,000/- and water distribution system provided with an estimate amount of Rs.2,03,64,000/- were in VijayaDurga colony during year 2008.

Further the KMC also taken up 77 works for construction of CC pavements, open drains water supply and providing street lighting with an estimate amount ofRs. 1,23,69,950/-.

Totally an amount of Rs. 3,69,44,950/- was incurred to provide water supply, CC roads and drains in VijayaDurga colony by the Kadapa Municipal Corporation, Kadapa.

(vii) A Writ petition was filed by some of the residents of VijayaDurga colony namely Sri. PallaRadha Krishna S/o. P. Santi Muneiah and four others vide W.P.No. 22249 of 2006, praying to issue a writ of mandamus declaring the action of the respondents in demolishing the premises of the above said petitioners as illegal, arbitrary and irrational.

The Hon'ble High court of Andhra Pradesh disposed the above Writ Petition stating that, the statement made by the petitioners that there is a threat of demolitions cannot be believed, instructing the respondents to give notice and give an opportunity to the petitioners as and when adverse action to be taken against them. (It is observed that no action has been initiated by the respondents since disposal of the W.P. on 27- 10-2006.)

(3) The Executive Engineer/ Deputy Executive Engineer during his tenure have not pursued the case either with the Mandal Revenue officer or Station house officer which is registered for eviction of encroachments of K.C. Canal in Sy. No. 509, 510 and 512 of Gudur village vide crime no. 14/2005 in Taluk Police Station Kadapa and also not initiated any action for eviction of encroachments even after disposal of writ petitions 1336/2005 and 22249/2006 in the Hon'ble High Court of Andhra Pradesh.

(4) Thus, the said officer has failed to perform his duties in time which amounts to dereliction of duties leading to misconduct in violation of Rule (3) of APCS (Conduct) Rules 1964.

R.P. SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI E. MALLIKARJUNA, EE, S.P.DIVISION NO.6, NELLARE DISTRICT, ARE PROPOSED TO BE SUSTAIND:

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1) Vigilance Report No.48 (C.No.915/V&E/D1/2015), dt; 21.05.2019 along with enclosures.

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI E. MALLIKARJUNA, EE, S.P.DIVISION NO.6, NELLARE DISTRICT, ARE PROPOSED TO BE SUSTAIND:

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(i) V&E officials who conducted enquiry.

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER